



Laurie Selber Silverstein
Judge

824 N. Market Street
Wilmington, DE 19801
(302) 252-2900

May 5, 2020

Via CM/ECF Notification:

To all counsel in SureFunding, LLC - Case No. 20-10953

Re: May 12, 2020 (10:00 a.m.) Hearing

Dear Counsel:

Our review of the docket shows the following matters are scheduled to be heard at the May 12, 2020 hearing:

- Motion of the Noteholders to Excuse Compliance with 11 U.S.C. § 543(a) & (b) (filed April 16, 2020) [D.I. 14]
- Motion of the Noteholders to Dismiss the Debtor's Chapter 11 Case (filed April 16, 2020) [D.I. 15]
- Debtor's Application for Entry of an Order Authorizing the Debtor to Employ and Retain Gavin/Solmonese LLC to Provide a Chief Restructuring and Liquidating Officer and Related Services Pursuant to 11 U.S.C. §§ 363 and 105 Effective as of the Petition Date (filed April 20, 2020) [D.I. 24]
- Debtor's Motion for Entry of an Order Authorizing the Employment and Compensation of Certain Professionals Utilized in the Ordinary Course of Business Effective as of the Petition Date (filed April 20, 2020) [D.I. 25]
- Debtor's Motion for Entry of an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals (filed April 20, 2020) [D.I. 26]
- Debtor's Application for Entry of an Order Authoring the Retention and Employment of Fox Rothschild, LLP as Counsel for the Debtor Effective as of the Petition Date (filed April 21, 2020) [D.I. 27]

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- Debtor's Motion for Entry of an Order Pursuant to Bankruptcy Code Sections 501, 502, and 1111(a), Bankruptcy Rules 2002 and 3003(c), and Local Rule 2002-1(e) Establishing Bar Dates for Filing Proof of Claim and Approving the Form and Manner of Notice Thereof (filed April 22, 2020) [D.I. 31]
- United States Trustee's Motion for an Order Dismissing or Converting this Case to Chapter 7 or Directing the Appointment of a Trustee (filed April 24, 2020) [D.I. 34]

As discussed during our status conference earlier today, the May 12 hearing will focus on the motions to dismiss filed by the Noteholders and the United States Trustee. I have determined that the hearing on the two motions to dismiss are time sensitive per Chief Judge Sontchi's Amended Order Governing the Conduct of Hearings Due to Coronavirus Disease 2019 (COVID-19) dated April 20, 2020. Upon review of the other motions, I do not deem them to be time sensitive at this time.

Per our discussion, this is an evidentiary hearing with multiple witnesses. Given that I have determined the above matters are time sensitive, it is appropriate to take witness testimony remotely. Such is permissible under Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017) for good cause in compelling circumstances and with appropriate safeguards. So that the hearing may run as smoothly as possible, and any appropriate safeguards can be implemented, please file the following information on the docket as soon as possible, but no later than May 8, 2020. For each witness, please supply:

1. The name and title of the witness.
2. The general topic(s) of the testimony.
3. The location of the witness (city, state, country).
4. The place from which the witness will be testifying (e.g., home, office – **no addresses**).
5. Whether anyone will be in the room with the witness during his/her testimony, and if so, who (name/title/relationship to witness) and for what purpose.
6. Whether the witness will have any documents with him/her, and if so, what documents.

If the witness has filed/will file a declaration relevant to the matters to be heard, the declaration should be available to the witness during testimony.

I understand counsel are in the process of exchanging exhibit lists. The lists, together with all exhibits, should be exchanged and delivered to chambers (via email to Ms. Johnson) by no later than May 11, 2020 at 12:00 p.m. (eastern time). If an exhibit is on the docket, it may simply be referenced by the applicable CM/ECF docket number. If an exhibit is not on the docket, please supply it to chambers in pdf or other printable format.

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The party sponsoring a witness will be responsible for ensuring that any exhibits are supplied to the witness ahead of the hearing.

My IT department indicates that the optimal number of Zoom participants is no more than twenty (20), as opposed to Courtcall, which is unlimited. So that we can appropriately plan for the hearing, any attorney desiring to participate by Zoom must notify Ms. Johnson at lora_johnson@deb.uscourts.gov by May 11th, 2020 at 12:00 p.m. (eastern time). I ask that Zoom participation be limited to one attorney per firm, where possible, and that others who do not anticipate addressing the court do not request Zoom participation. Of course, anyone who is questioning a witness should participate by Zoom, if possible. To facilitate this limitation, we can take a recess between witnesses, as necessary.

Ms. Johnson will email a Zoom link to all who are participating by Zoom. It will be necessary to view video through the Zoom link, but **all audio will be through Courtcall**. It is incumbent on the party sponsoring a witness to provide both the Zoom link and the Courtcall phone number to the witness as well as to register the witness with Courtcall.

Also, our experience is revealing that notwithstanding everyone's efforts to mute phones and the Zoom microphone to avoid background noise, it can still be difficult to clearly hear all speakers. Please speak slowly. And, I have found that use of a headset or similar microphone helps. We appreciate your cooperation as we work through this process. If you have any questions (technical or otherwise), please reach out to chambers.

Finally, we have a hearing on Thursday with respect to the motion for a protective order. If there are questions about these procedures, please raise them at that time.

Very truly yours,

A handwritten signature in cursive script, reading "Laurie Selber Silverstein".

Laurie Selber Silverstein

LSS/cmb